REGISTERED No. K. 107.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. VIII] Trivandrum, Tuesday, 31st December 1963 / 10th Pausa 1885 [No. 139

GOVERNMENT OF KERALA

Law Department.

NOTIFICATION

No. 14725/D2/63/Law *Dated, Trivandrum, 31st December 1963. 10th Pausa 1885.*

The following Ordinance promulgated by the Governor on the Thirty-First day of December, 1963 is hereby published for general information.

By order of the Governor,
P. SANKARAN ELAYATH,
Law Secretary.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1963.

ORDINANCE No. 3 OF 1963

THE MADRAS COMMERCIAL CROPS MARKETS (AMENDMENT AND VALIDATION) ORDINANCE, 1963.

Promulgated by the Governor of Kerala in the Fourteenth Year of the Republic of India.

An Ordinance to amend the Madras Commercial Crops Markets Act, 1933, in its application to the Malabar District referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 and for the validation of the levy and collection of cess by way of sales tax under the said Madras Commercial Crops Markets Act, made on and after the 1st day of November, 1956.

Preamble.—WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Madras Commercial Crops Markets (Amendment and Validation) Ordinance, 1963.

(2) Section 2 shall be deemed to have come into force on the 1st day of November, 1956 and the remaining provisions of this Ordinance shall come into force at once.

2. *Substitution of new section for section 11.*—For section 11 of the Madras Commercial Crops Markets Act, 1933 (Madras Act XX of 1933), hereinafter referred to as the principal Act, the following section shall be substituted, namely:—

"11. *Levy of Fees by Market Committees.*—(1) The Market Committee shall, subject to such rules as may be made in this behalf, levy fees on the notified commercial crops

mentioned in column (1) of the table below bought and sold in the notified area at the rates specified against them in column (2) of that table.

TABLE

Name of Commercial Crop (1)		Rates (2)	
		Rs. nP.	
1.	Arecanut	0.33	For every quintal of cured arecanut or part thereof
2.	Coconut and its products	0.13	For every 1000 coconuts or part thereof
		0.16	For every quintal of by-products (Copra or dessicated coconuts) or part thereof

Explanation.—For the purpose of this section, all notified commercial crops leaving a notified area shall, unless the contrary is proved, be presumed to be bought and sold within such area.

(2) The fees referred to in sub-section (1) shall be paid by the purchaser of the commercial crops concerned:

Provided that where the purchaser of a commercial crop cannot be identified, the fee shall be paid by the seller.

(3) Out of the fees levied under sub-section (1) on the commercial crop or crops bought and sold in any part of the notified area which constitutes a village as defined in the law for the time being in force for the constitution of Panchayats, such proportion as may be prescribed shall be paid by the Market Committee to the Panchayat concerned.".

3. *Amendment of Section 17.*—Section 17 of the principal Act shall be renumbered as sub section (1) of that section and after sub section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Any person removing or attempting to remove any commercial crop from any notified area before the fee payable under sub-section (1) of section 11 has been paid therefor and a receipt obtained in respect of such payment, or practising any device in order to evade or to facilitate the evasion of the payment of the said fee, or evading the payment of the said fee shall be punishable with fine which may extend to two hundred rupees.".

4. *Validation.*—(1) Notwithstanding any judgment, decree or order of any court, all cess on any commercial crop levied or collected or purported to have been levied or collected under section 11 of the principal Act by the Market Committee constituted under the principal Act for the period beginning with the 1st day of November, 1956 and ending on the 28th day of November, 1963, shall be deemed to have been levied or collected as fees under the principal Act, as amended by this Ordinance, and accordingly,—

(a) no suit or other proceeding shall be maintained or continued in any court for the refund of any such cess paid or purported to have been paid under section 11 of the principal Act; and

(b) no court shall enforce a decree or order directing the refund of any such cess paid or purported to have been paid under section 11 of the principal Act.

V. V. GIRI,
GOVERNOR.

REGISTERED No. K. 107.

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. VIII] Trivandrum, Tuesday 31st December 1963 / 10th Pausa 1885 (Saka) [No. 140

GOVERNMENT OF KERALA

Law Department

NOTIFICATION

No. 14752 H2/63/Law. *Dated, Trivandrum, 31st December* 1963/ 10*th Pausa* 1885 (*Saka*).

The following Ordinance promulgated by the Governor on the 31st December, 1963, is hereby published for general information.

By order of the Governor,
P. SANKARAN ELAYATH,
Law Secretary.

ORDINANCE No. 4 OF 1963

THE KERALA TENANTS AND KUDIKIDAPPUKARS PROTECTION (AMENDMENT) ORDINANCE, 1963

Promulgated by the Governor of Kerala in the Fourteenth Year of the Republic of India.

An Ordinance to amend the Kerala Tenants and Kudikidappukars Protection Act, 1963.

Preamble.—WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala

is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title.*—This Ordinance may be called the Kerala Tenants and Kudikidappukars Protection (Amendment) Ordinance, 1963.

2. *Act 7 of 1963 to be temporarily amended.*—During the period of operation of this Ordinance, the Kerala Tenants and Kudikidappukars Protection Act, 1963 (Act 7 of 1963), hereinafter referred to as the principal Act, shall have effect subject to the amendments specified in sections 3 and 4.

3. *Amendment of section 1.*—In section 1 of the principal Act, in sub-section (3), for the words, figures and letters "the 31st day of December, 1963", the words, figures and letters "the 31st day of March, 1964" shall be substituted.

4. *Amendment of section 6.*—In section 6 of the principal Act, in sub-section (1), for the words, figures and letters "the 31st day of December, 1963", the words, figures and letters "the 31st day of March, 1964" shall be substituted.

V. V. GIRI,
GOVERNOR.

PRINTED AND PUBLISHED BY THE S.G.P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1963.